

Franchise and Concession Review Committee Public Meeting
August 9, 2017

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PUBLIC MEETING

FRANCHISE and CONCESSION REVIEW COMMITTEE

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2 Lafayette Street
14th Floor Auditorium
New York, New York 10007

Wednesday, August 9, 2017
2:53 p.m.

Franchise and Concession Review Committee Public Meeting
August 9, 2017

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APPEAREANCES:

Mayor: Peter Hatch

Corporation Counsel: Sharon Cantor

Office of Management and Budget: Yvonne
Quintian

Comptroller: Jennifer Conovitz

Borough President of Brooklyn: Andrew
Gounardes

Borough President of Manhattan: James Caras

Borough President of Queens: Jasmine Narang

Borough President of Staten Island: Lashay
Young

New York City and Company, Inc.: Christina
Rowley

Department of Parks and Recreation: Alexander
Han

Clerk: Stephanie Ruiz

1 Proceedings:

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3 MR. HATCH: Good afternoon. Thank
4 you very much for being here.

5 Franchise and Concession Review
6 Committee public meeting will now come
7 to order. Would the Clerk please call
8 the roll.

9 THE CLERK: Mayor.

10 MR. HATCH: Here.

11 THE CLERK: Office of the Mayor.

12 OFFICE OF THE MAYOR: (No
13 response).

14 THE CLERK: Comptroller.

15 MS. CONOVITZ: Here.

16 THE CLERK: Corporation Counsel.

17 MS. CANTOR: Here.

18 THE CLERK: Office of Management
19 and Budget.

20 MS. QUINTIAN: Here.

21 THE CLERK: President, Borough of
22 the Bronx.

23 PRESIDENT, BOROUGH OF THE BRONX:
24 (No response).

25 THE CLERK: President, Borough of

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Brooklyn.

MR. GOUNARDES: Present.

THE CLERK: President, Borough of
Manhattan.

MR. CARAS: Here.

THE CLERK: President, Borough of
Queens.

MS. NARANG: Here.

THE CLERK: President, Borough of
Staten Island.

MS. YOUNG: Here.

MR. HATCH: Will the Clerk please
call the first calendar item.

THE CLERK: New York City
Department of Small Business Services,
Calendar Item Number 1: In the matter
of the intent to seek Franchise and
Concession Review Committee approval
authorizing New York City & Company
Inc., on behalf of the New York City
Department of Small Business Services
to utilize a different procedure,
pursuant to Section 1 - 16 of the
Concession Rules of the City of New

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York for SBS to enter into a non-exclusive, Sole Source License Agreement, with Fire Replicas, LLC for the non-exclusive use of city-owned trademarks on merchandise. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: Christina Rowley, VP of NYC & Co. will read into the record, changes that have been made to the proposed sole license agreement since its distribution to the FCRC.

MS. ROWLEY: There has been a small change in Section V-1 to exclude the phrase, "As described in Section 3 above."

MR. HATCH: Thank you.

Is there a member who wishes to make a statement or ask a question on this matter?

(No response)

If not, will a member please make a motion to move this item.

Franchise and Concession Review Committee Public Meeting
August 9, 2017

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1 MR. GOUNARDES: So moved.

2 MR. HATCH: Will another member
3 please second the motion.

4 MR. CARAS: Second.

5 MR. HATCH: Will the Clerk please
6 take the vote.

7 THE CLERK: Mayor.

8 MR. HATCH: Yes.

9 THE CLERK: Office of the Mayor.

10 OFFICE OF THE MAYOR: (No
11 response).

12 THE CLERK: Comptroller.

13 MS. CONOVITZ: Yes.

14 THE CLERK: Corporation Counsel.

15 MS. CANTOR: Yes.

16 THE CLERK: Office Management and
17 Budget.

18 MS. QUINTIAN: Yes.

19 THE CLERK: And on behalf of the
20 Borough President, President, Borough
21 of Staten island.

22 MS. YOUNG: Yes.

23 THE CLERK: Calendar Item Number 1
24 is adopted.

25 MR. HATCH: Will the Clerk please

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call the second calendar item?

THE CLERK: New York City
Department of Parks and Recreation,
Calendar Item Number 2: In the matter
of the intent to seek Franchise and
Concession Review Committee approval to
utilize a different procedure, pursuant
to Section 1-16 of the Concession Rules
of the City of New York, to negotiate a
Sole Source License Agreement with
Bryant Park Market Events, LLC d/b/a
Upsilon Ventures for the renovation,
operation and maintenance of a food
service facility inside a vacant
comfort station located in the Allen
Street Mall, Manhattan, and for the
development and maintenance of the
landscape of the Allen Street Mall
Plaza between Delancey Street and
Rivington Street, Manhattan. It is
anticipated that the term of the
Agreement would be 20 years. A
proposed resolution was submitted
relative thereto, and a resolution is

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calendared for adoption.

MR. HATCH: Is there a member who wishes to make a statement or ask a question on Item Number Two?

MR. CARAS: Yes. I just want to make sure that I have this correctly. My understanding is that there was only one response to the RFP and that's by Upsilon and this is to allow -- is it Parks or DOP -- because I know they were both involved -- to negotiate with Upsilon, but that given the proposal they put forward in the RFP, a ULURP would need to be done, so we are not talking about any plans or what might be in that ULURP, but just the ability of the agency to negotiate with the perspective vendor and then if that contract would come back to us, and then, there would be a separate ULURP, if a ULURP is still part of what comes out of the negotiation. Is that correct?

MR. HAN: That is correct. And

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it would be bipartisan of the DOP.

MR. CARAS: So we will be voting just to move forward -- just for Parks to move forward with the negotiation. We ask that you keep our office and community board free and informed especially as it becomes clear what the ULURP involves.

MR. HAN: Yes. Thank you.

MR. HATCH: Any additional questions? If not, will a member please make a motion to move this item?

MS. CANTOR: So moved.

MR. HATCH: Will another member please second that motion?

MR. GOUNARDES: Second.

MR. HATCH: Would the Clerk please take the vote?

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

OFFICE OF THE MAYOR: (No response).

THE CLERK: Comptroller.

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MS. CONOVITZ: Yes.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office Management and
Budget.

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the
Borough President, President, Borough
of Manhattan.

MR. CARAS: Yes.

THE CLERK: Calendar Item 2
resolution is adopted.

MR. HATCH: Would the Clerk please
call the third calendar item?

THE CLERK: New York City
Department of Transportation, Calendar
Item Number 3: In the matter of the
intent to seek Franchise Concession
Review Committee approval to utilize a
different procedure, pursuant to
Section 1-16 of the Concession Rules of
the City of New York, to enter into a
License Agreement with the Open Space
Alliance for North Brooklyn Inc. for

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the operation, management and maintenance of a pedestrian plaza, located on Union Avenue, between North 10th Street and North 12th Street in the Borough of Brooklyn, including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or Open Space Alliance, and other similar merchandise within the Licensed Plaza. A proposed resolution was submitted relative thereto, and the resolution is calendared for adoption.

MR. HATCH: Is there a member who wishes to make a statement or ask a question on this matter? (No response)
If not, will a member, please make a motion to move the Item.

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MR. GOUNARDES: So moved.

MR. HATCH: Will another member
please second?

MS. CANTOR: Second.

MR. HATCH: Will the Clerk please
take the vote?

THE CLERK: Mayor.

MR. HATCH: Yes.

THE CLERK: Office of the Mayor.

OFFICE OF THE MAYOR: (No
response).

THE CLERK: Comptroller.

MS. CONOVITZ: Yes.

THE CLERK: Corporation Counsel.

MS. CANTOR: Yes.

THE CLERK: Office Management and
Budget.

MS. QUINTIAN: Yes.

THE CLERK: And on behalf of the
Borough President, President, Borough
of Brooklyn.

MR. GOUNARDES: Yes.

THE CLERK: Calendar Item 3
resolution is adopted.

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We ask that the Reporter make the entire Public Meeting Agenda, which was made publicly available and distributed at this Meeting, part of the final record of this proceeding.

That completes the Calendar.

MR. HATCH: Thank you. Meeting adjourned.

(Time noted: 3:00 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF QUEENS)

I, Antonette Gordon-Salmon, a Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of August, 2017.



ANTONETTE GORDON-SALMON

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PUBLIC MEETING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

WEDNESDAY, AUGUST 9, 2017 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Public Meeting
Wednesday, August 9, 2017 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee ("FCRC") approval authorizing NYC & Company, Inc., on behalf of the New York City Department of Small Business Services ("SBS") to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, for SBS to enter into a non-exclusive, Sole Source License Agreement ("License Agreement") with Fire Replicas, LLC ("Fire Replicas") for the non-exclusive use of city-owned trademarks on merchandise. The License Agreement will provide for a license term beginning on October 1, 2016 and shall continue through July 15, 2020 with an option for the City to renew the License Agreement on substantially the same terms and conditions, in its sole discretion, for two (2) years. For each license year of the initial term, Fire Replicas shall pay royalties equal to five (5%) of Net Sales (as defined in the License Agreement). The License Agreement provides for a guaranteed minimum royalty of fifteen thousand dollars (\$15,000) covering the period from October 1, 2017 to July 15, 2020.

A proposed resolution was submitted relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source License Agreement (Agreement) with Bryant Park Market Events, LLC d/b/a Upsilon Ventures for the renovation, operation and maintenance of a food service facility inside a vacant comfort station located in the Allen Street Mall, Manhattan, and for the development and maintenance of the landscape of the Allen Street Mall plaza between Delancey Street and Rivington Street, Manhattan. It is anticipated that the term of the Agreement would be twenty (20) years.

A proposed resolution was submitted relative thereto.

RESOLUTION FOR ADOPTION.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 3: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a License Agreement (“Agreement”) with the Open Space Alliance for North Brooklyn, Inc. (the “Open Space Alliance”) for the operation, management, and maintenance of a pedestrian plaza located on Union Avenue between North 10th Street and North 12th Street in the Borough of Brooklyn (“Licensed Plaza”), including through DOT-approved events, sponsorships, and subconcessions, including but not limited to providing for the sale of any of the following: prepared food, flowers, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts) that helps brand or promote the neighborhood or Open Space Alliance, and other similar merchandise within the Licensed Plaza

A proposed resolution was submitted relative thereto.
RESOLUTION FOR ADOPTION.